



3736
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Kelly Fox et al. Examiner: Navin Natnithithadha
Serial No.: 10/034,139 Group Art Unit: 3736
Filed: December 27, 2001 Docket: G&C 130.40-US-01
Title: SYSTEM FOR MONITORING PHYSIOLOGICAL CHARACTERISTICS

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 12, 2005.

By: 

Name: Karen S. Canady

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing under 37 CFR 1.8.
- ☒ Supplemental Information Disclosure Statement and Form PTO-1449.
- ☒ Cited Reference(s).
- ☒ Copy of PCT Annex to Form PCT/ISA/206 Communication Relating to Partial International Search.
- ☒ Return postcard.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 22462

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: 

Name: Karen S. Canady

Reg. No.: 39,927

KSC/mrj

(PTO TRANSMITTAL - GENERAL)



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SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT (37 C.F.R. §1.97(c))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. The references were recently cited in an International Search Report.

This statement should be considered because it is submitted less than three months after the mailing date of a Communication from a foreign patent office in which the aforementioned items of information were cited, but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a Notice of Allowance under 37 C.F.R. § 1.311. No fee is due as this statement is submitted as certified below under 37 C.F.R. §1.97(e)(1) or (2) by the undersigned.

Certification Under 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that this statement is submitted wherein each item of information listed on the enclosed Form 1449 was first

cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement (certification under 37 C.F.R. §1.97(e)(1)).

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each foreign patent document and each non-patent document listed on the enclosed Form 1449 is provided. Please note, a copy of US2003/208113 is not cited herein, as it was previously cited by the Examiner in an Office Action dated February 8, 2005.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art". Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please direct any response or inquiry to the below-signed attorney at (310) 641-8797.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: October 12, 2005

By: 

Karen S. Canady
Reg. No.: 39,927

KSC/mrj
Enclosures

Form 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION	Docket Number: G&C 130.40-US-01	Application Number: 10/034,139
	Applicant: James Kelly Fox et al.	
	Filing Date: December 27, 2001	Group Art Unit: 3736

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	US2003/0100040	5/29/03	Bonnecaze et al.			
	US2003/0125612	7/3/03	Fox et al.			
	US2003/0187336	10/2/03	Odagiri et al.			

FOREIGN PATENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	EP 1 127 544	8/29/01	EP				
	WO 02/44865	6/2/02	PCT				

NON-PATENT DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	